

**Remarks:**

Claims 1, 3-5, 7-16, 18-27 and 28-31 remain in this application. Claims 2, 6, 17, and 28 have been canceled. Claims 1, 9, 15, 18, 27, 29, and 31 have been amended.

Applicant thanks Examiner for his courtesy during the telephone interview of April 26, 2007. During that interview, Applicant asked for clarification of Examiner's reliance on the Sklar reference as it is Applicant's position that the Sklar reference does not disclose all of the rejected claim elements. Agreement was not reached as no Examiner with signatory authority was present.

Claims 1-7, 9-14, 19-21 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sklar (US 2002/0055780).

Regarding claim 1, Sklar fails to disclose "the encircling means being movable from a first position in which the graft passes generally straight through the encircling means to a second position within the bone tunnel in which the graft is forced into a tortuous path through the encircling means such that the graft is gripped by the encircling means". Examiner characterizes element 20 of Sklar as an encircling means that grips the graft. Applicant respectfully disagrees. Sklar's element 20 is an annular flange extending outwardly beyond body 12 (paragraph 0041) that rests flat against the tibial surface (paragraph 0049). Flange 20 prevents anchor 10 from moving into the tunnel and allowing the ligament to go slack (paragraph 0051). This is the essential function of the flange 20 for without the flange extending radially beyond the body 12 and resting against the tibia outside of the bone tunnel, it would be impossible for Sklar's device to secure the ligament. While the flange 20 may pivot, it only pivots to allow it to lay flat against the outside of the bone to accommodate angled bone tunnels as in FIG. 8 of Sklar. Sklar's flange

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sklar and Strobel et al. as applied to claim 22 and further in view of Li et al. Claim 26 depends from claim 22 and is further allowable for the same reasons as claim 22. Claim 26 is further allowable over the combination because the combination fails to disclose "a portion of the side wall is axially curved".

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sklar and Strobel et al. as applied to claim 30 and further in view of Rego et al. (US 5,364,400). Claim 31 depends from claim 27 and is allowable for the same reasons as claim 27.

Applicant believes that the claims remaining in this case are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. Examiner is encouraged to contact Applicant by telephone with any questions about the content of this amendment or to discuss allowable subject matter to facilitate placing this case in condition for allowance.

Respectfully submitted,

By: 

Gene Warzecha

Registration No. 28,919

Linvatec Corporation

11311 Concept Boulevard

Largo, FL 33773

727-399-5295